



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2125

DATE SCANNED 2-16-11

SCANNER NO. 2

SCAN OPERATOR gm10

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2010 APR 14 P 3:29

April 14, 2010

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ALEC PALMER *AP*  
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC*  
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*  
ACTING ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: *me* NATALIYA IOFFE/RHIANNON MAGRUDER/IAN WANDNER *pm* *l.w.*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 FEBRUARY  
MONTHLY REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 February Monthly Report in accordance with 2 U.S.C. § 434(a). The February Monthly Report was due on February 20, 2010.

The committees listed in the attached RTB Circulation Report filed the report more than five (5) days after the due date. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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**Federal Election Commission  
Reason to Believe Circulation Report  
2010 FEBRUARY MONTHLY Not Election Sensitive 02/20/2010 P\_UNAUTH**

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2124	C00041061	AMERICAN PILOTS' ASSOCIATION POLITICAL ACTION COMMITTEE	CAPTAIN MICHAEL R. WATSON	\$114,422	1	3/20/2010	28	\$6,022	\$243
2125	C00370221	GREEN PARTY OF THE UNITED STATES	JODY GRAGE	\$822,337	1	3/5/2010	13	\$107,026	\$2,856

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2010 )  
February Monthly Report for the )  
Administrative Fine Program: )  
AMERICAN PILOTS' ASSOCIATION ) AF# 2124  
POLITICAL ACTION COMMITTEE, and )  
CAPTAIN MICHAEL R WATSON as )  
treasurer; )  
GREEN PARTY OF THE UNITED ) AF# 2125  
STATES, and GRAGE, JODY as treasurer )

CERTIFICATION

I, Darlene Harris, Acting Secretary of the Federal Election Commission, do hereby certify that on April 15, 2010, the Commission took the following actions on the Reason To Believe Recommendation - 2010 February Monthly Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated April 14, 2010, on the following committees:

AF#2124 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN PILOTS' ASSOCIATION POLITICAL ACTION COMMITTEE, and CAPTAIN MICHAEL R WATSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Federal Election Commission  
Certification for Administrative Fines  
April 15, 2010

Page 2

AF#2125 Decided by a vote of 6-0 to: (1) find reason to believe that GREEN PARTY OF THE UNITED STATES, and GRAGE, JODY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 16, 2010  
Date

Darlene Harris  
Darlene Harris  
Acting Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 16, 2010

Jody Grage as Treasurer  
Green Party of The United States  
1623 Connecticut Ave., NW 4th Floor  
Washington, DC 20009

C00370221  
AF#: 2125

Dear Ms. Grage:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an February Monthly Report of Receipts and Disbursements covering the period through January 31, 2010. This report shall be filed no later than February 20, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on March 5, 2010, 13 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 15, 2010, the FEC found that there is reason to believe ("RTB") that Green Party of The United States and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before February 20th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,856. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$2,856 is due within forty (40) days of the finding, or by May 25, 2010, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$107,026  
Number of Days Late: 13  
Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

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Commission's RTB finding, or May 25, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Green Party of The United States and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

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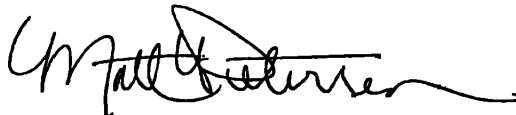
**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ian Wandner in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen  
Chairman

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,856 for the 2010 February Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by May 25, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Green Party of The United States

FEC ID#: C00370221

AF#: 2125

PAYMENT DUE DATE: May 25, 2010

PAYMENT AMOUNT DUE: \$2,856

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## Federal Election Commission

## § 111.32

penalty shall not exceed the greater of \$11,000 or an amount equal to 200% of any contribution or expenditure involved in the violation.

(ii) Notwithstanding paragraph (a)(2)(i) of this section, in the case of a knowing and willful violation of 2 U.S.C. 441f, the civil penalty shall not be less than 100% of the amount of any contribution involved in the violation and shall not exceed the greater of \$55,000 or 1,000% of the amount of any contribution involved in the violation.

(b) Any Commission member or employee, or any other person, who in violation of 2 U.S.C. 437g(a)(12)(A) makes public any notification or investigation under 2 U.S.C. 437g without receiving the written consent of the person receiving such notification, or the person with respect to whom such investigation is made, shall be fined not more than \$2,200. Any such member, employee, or other person who knowingly and willfully violates this provision shall be fined not more than \$8,500.

[62 FR 11317, Mar. 12, 1997; 62 FR 18167, Apr. 14, 1997; 65 FR 31794, May 19, 2000; 67 FR 76977, Dec. 13, 2002; 78 FR 34635, June 15, 2005]

## Subpart B—Administrative Fines

SOURCE: 65 FR 31794, May 19, 2000, unless otherwise noted.

## § 111.30 When will subpart B apply?

Subpart B applies to violations of the reporting requirements of 2 U.S.C. 434(a) committed by political committees and their treasurers that relate to the reporting periods that begin on or after July 14, 2000 and end on or before December 31, 2008. This subpart, however, does not apply to reports that were due between January 1, 2004 and February 10, 2004 and that relate to reporting periods that begin and end between January 1, 2004 and February 10, 2004.

[70 FR 75718, Dec. 21, 2005]

## § 111.31 Does this subpart replace subpart A of this part for violations of the reporting requirements of 2 U.S.C. 434(a)?

(a) No: §§ 111.1 through 111.8 and 111.20 through 111.24 shall apply to all compliance matters. This subpart will

apply, rather than §§ 111.9 through 111.19, when the Commission, on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, and when appropriate, determines that the compliance matter should be subject to this subpart. If the Commission determines that the violation should not be subject to this subpart, then the violation will be subject to all sections of subpart A of this part.

(b) Subpart B will apply to compliance matters resulting from a complaint filed pursuant to 11 CFR 111.4 through 111.7 if the complaint alleges a violation of 2 U.S.C. 434(a). If the complaint alleges violations of any other provision of any statute or regulation over which the Commission has jurisdiction, subpart A will apply to the alleged violations of these other provisions.

## § 111.32 How will the Commission notify respondents of a reason to believe finding and a proposed civil money penalty?

If the Commission determines, by an affirmative vote of at least four (4) of its members, that it has reason to believe that a respondent has violated 2 U.S.C. 434(a), the Chairman or Vice-Chairman shall notify such respondent of the Commission's finding. The written notification shall set forth the following:

(a) The alleged factual and legal basis supporting the finding including the type of report that was due, the filing deadline, the actual date filed (if filed), and the number of days the report was late (if filed);

(b) The applicable schedule of penalties;

(c) The number of times the respondent has been assessed a civil money penalty under this subpart during the current two-year election cycle and the prior two-year election cycle;

(d) The amount of the proposed civil money penalty based on the schedules of penalties set forth in 11 CFR 111.43 or 111.44; and

(e) An explanation of the respondent's right to challenge both the reason to believe finding and the proposed civil money penalty.

## § 111.33

## 11 CFR Ch. I (1-1-08 Edition)

§ 111.33 What are the respondent's choices upon receiving the reason to believe finding and the proposed civil money penalty?

The respondent must either send payment in the amount of the proposed civil money penalty pursuant to 11 CFR 111.34 or submit a written response pursuant to 11 CFR 111.35.

§ 111.34 If the respondent decides to pay the civil money penalty and not to challenge the reason to believe finding, what should the respondent do?

(a) The respondent shall transmit payment in the amount of the civil money penalty to the Commission within forty (40) days of the Commission's reason to believe finding.

(b) Upon receipt of the respondent's payment, the Commission shall send the respondent a final determination that the respondent has violated the statute or regulations and the amount of the civil money penalty and an acknowledgment of the respondent's payment.

§ 111.35 If the respondent decides to challenge the alleged violation or proposed civil money penalty, what should the respondent do?

(a) To challenge a reason to believe finding or proposed civil money penalty, the respondent must submit a written response to the Commission within forty (40) days of the Commission's reason to believe finding.

(b) The respondent's written response must assert at least one of the following grounds for challenging the reason to believe finding or proposed civil money penalty:

(1) The Commission's reason to believe finding is based on a factual error including, but not limited to, the committee was not required to file the report, or the committee timely filed the report in accordance with 11 CFR 100.19;

(2) The Commission improperly calculated the civil money penalty; or

(3) The respondent used best efforts to file in a timely manner in that:

(i) The respondent was prevented from filing in a timely manner by reasonably unforeseen circumstances that were beyond the control of the respondent; and

(ii) The respondent filed no later than 24 hours after the end of these circumstances.

(c) Circumstances that will be considered reasonably unforeseen and beyond the control of respondent include, but are not limited to:

(1) A failure of Commission computers or Commission-provided software despite the respondent seeking technical assistance from Commission personnel and resources;

(2) A widespread disruption of information transmissions over the Internet not caused by any failure of the Commission's or respondent's computer systems or Internet service provider; and

(3) Severe weather or other disaster-related incident.

(d) Circumstances that will not be considered reasonably unforeseen and beyond the control of respondent include, but are not limited to:

(1) Negligence;

(2) Delays caused by committee vendors or contractors;

(3) Illness, inexperience, or unavailability of the treasurer or other staff;

(4) Committee computer, software or Internet service provider failures;

(5) A committee's failure to know filing dates; and

(6) A committee's failure to use filing software properly.

(e) Respondent's written response must detail the factual basis supporting its challenge and include supporting documentation.

[72 FR 14867, Mar. 28, 2007]

§ 111.36 Who will review the respondent's written response?

(a) A reviewing officer shall review the respondent's written response. The reviewing officer shall be a person who has not been involved in the reason to believe finding.

(b) The reviewing officer shall review the reason to believe finding with supporting documentation and the respondent's written response with supporting documentation. The reviewing officer may request supplemental information from the respondent and/or the Commission staff. The respondent shall submit the supplemental information to the reviewing officer within

a time specified by the reviewing officer. The reviewing officer will be entitled to draw an adverse inference from the failure by the respondent to submit the supplemental information.

(c) All documents required to be submitted by the respondents pursuant to this section and § 111.35 should be submitted in the form of affidavits or declarations.

(d) If the Commission staff, after the respondent files a written response pursuant to § 111.35, forwards any additional documents pertaining to the matter to the reviewing officer for his or her examination, the reviewing officer shall also furnish a copy of the document(s) to the respondents.

(e) Upon completion of the review, the reviewing officer shall forward a written recommendation to the Commission along with all documents required under this section and 11 CFR 111.32 and 111.35.

(f) The reviewing office shall also forward a copy of the recommendation to the respondent. The respondent may file with the Commission Secretary a written response to the recommendation within ten (10) days of transmittal of the recommendation. This response may not raise any arguments not raised in the respondent's original written response or not directly responsive to the reviewing officer's recommendation.

**§ 111.37 What will the Commission do once it receives the respondent's written response and the reviewing officer's recommendation?**

(a) If the Commission, after having found reason to believe and after reviewing the respondent's written response and the reviewing officer's recommendation, determines by an affirmative vote of at least four (4) of its members, that the respondent has violated 2 U.S.C. 434(a) and the amount of the civil money penalty, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(b) If the Commission, after reviewing the reason to believe finding, the respondent's written response, and the reviewing officer's written recommendation, determines by an affirmative vote of at least four (4) of its

members, that no violation has occurred (either because the Commission had based its reason to believe finding on a factual error or because the respondent used best efforts to file in a timely manner) or otherwise terminates its proceedings, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(c) The Commission will modify the proposed civil money penalty only if the respondent is able to demonstrate that the amount of the proposed civil money penalty was calculated on an incorrect basis.

(d) When the Commission makes a final determination under this section, the statement of reasons for the Commission action will, unless otherwise indicated by the Commission, consist of the reasons provided by the reviewing officer for the recommendation, if approved by the Commission, although statements setting forth additional or different reasons may also be issued. If the reviewing officer's recommendation is modified or not approved, the Commission will indicate the grounds for its action and one or more statements of reasons may be issued.

[65 FR 31794, May 15, 2000, as amended at 73 FR 14668, Mar. 29, 2007]

**§ 111.38 Can the respondent appeal the Commission's final determination?**

Yes; within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37; the respondent may submit a written petition to the district court of the United States for the district in which the respondent resides...or transacts business, requesting that the final determination be modified or set aside. The respondent's failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondent's right to present such argument in a petition to the district court under 2 U.S.C. 437g.

**§ 111.39 When must the respondent pay the civil money penalty?**

(a) If the respondent does not submit a written petition to the district court of the United States, the respondent must remit payment of the civil money

## §111.40

penalty within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37.

(b) If the respondent submits a written petition to the district court of the United States and, upon the final disposition of the civil action, is required to pay a civil money penalty, the respondent shall remit payment of the civil money penalty to the Commission within thirty (30) days of the final disposition of the civil action. The final disposition may consist of a judicial decision which is not reviewed by a higher court.

(c) Failure to pay the civil money penalty may result in the commencement of collection action under 31 U.S.C. 376i et seq. (1996), or a civil suit pursuant to 2 U.S.C. 437g(a)(6)(A), or any other legal action deemed necessary by the Commission.

§111.40 What happens if the respondent does not pay the civil money penalty pursuant to 11 CFR 111.34 and does not submit a written response to the reason to believe finding pursuant to 11 CFR 111.35?

(a) If the Commission, after the respondent has failed to pay the civil money penalty and has failed to submit a written response, determines by an affirmative vote of at least four (4) of its members that the respondent has violated 2 U.S.C. 434(a) and determines the amount of the civil money penalty, the respondent shall be notified by letter of its final determination.

(b) The respondent shall transmit payment of the civil money penalty to the Commission within thirty (30) days of receipt of the Commission's final determination.

(c) Failure to pay the civil money penalty may result in the commencement of collection action under 31 U.S.C. 370i et seq. (1996), or a civil suit pursuant to 2 U.S.C. 437g(a)(6)(A), or any other legal action deemed necessary by the Commission.

§111.41 To whom should the civil money penalty payment be made payable?

Payment of civil money penalties shall be made in the form of a check or

## 11 CFR Ch. I (1-1-08 Edition)

money order made payable to the Federal Election Commission.

§111.42 Will the enforcement file be made available to the public?

(a) Yes; the Commission shall make the enforcement file available to the public.

(b) If neither the Commission nor the respondent commences a civil action, the Commission shall make the enforcement file available to the public pursuant to 11 CFR 4.4(a)(3).

(c) If a civil action is commenced, the Commission shall make the enforcement file available pursuant to 11 CFR 111.20(c).

§111.43 What are the schedules of penalties?

(a) The civil money penalty for all reports that are filed late or not filed, except election sensitive reports and pre-election reports under 11 CFR 104.5, shall be calculated as follows:

(i) For reports due before April 15, 2003;

(i) *Level of activity* means the total amount of receipts and disbursements for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (a)(1)(ii) of this section.

(ii) *Estimated level of activity* means total receipts and disbursements reported in the current two-year election cycle divided by the number of reports filed to date covering the activity in the current two-year election cycle. If the respondent has not filed a report covering activity in the current two-year election cycle, estimated level of activity means total receipts and disbursements reported in the prior two-year election cycle divided by the number of reports filed covering the activity in the prior two-year election cycle.

(iii) The civil money penalty shall be calculated in accordance with the following schedule:

## Federal Election Commission

§ 111.43

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-24,999.99 *	$[\$100 + (\$25 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$900 \times [1 + (.25 \times \text{Number of previous violations})]$
\$25,000-49,999.99	$[\$200 + (\$50 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$1800 \times [1 + (.25 \times \text{Number of previous violations})]$
\$50,000-74,999.99	$[\$300 + (\$75 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$2700 \times [1 + (.25 \times \text{Number of previous violations})]$
\$75,000-99,999.99	$[\$400 + (\$100 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$3500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$100,000-149,999.99	$[\$600 + (\$125 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$4500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$150,000-199,999.99	$[\$800 + (\$150 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$6500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$200,000-249,999.99	$[\$1,000 + (\$175 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$8500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$250,000-349,999.99	$[\$1500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$8000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$350,000-449,999.99	$[\$2000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$9000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$450,000-549,999.99	$[\$2500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$9500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$550,000-649,999.99	$[\$3000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$650,000-749,999.99	$[\$3500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$750,000-849,999.99	$[\$4000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$850,000-949,999.99	$[\$4500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$950,000 or over	$[\$5000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$12,000 \times [1 + (.25 \times \text{Number of previous violations})]$

\* The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(2) For reports due on or after April 16, 2003:

(i) *Level of activity* means:

(A) For an authorized committee, the total amount of receipts and disbursements for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (a)(2)(ii)(A) of this section.

(B) For an unauthorized committee, the total amount of receipts and disbursements for the period covered by the late report minus the total of: transfers received from non-Federal account(s) as reported on Line 18(a) of FEC Form 3X and disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (a)(2)(ii)(B) of this section.

(ii) *Estimated level of activity* means:

(A) For an authorized committee, total receipts and disbursements re-

ported in the current two-year election cycle divided by the number of reports filed to date covering the activity in the current two-year election cycle. If the respondent has not filed a report covering activity in the current two-year election cycle, estimated level of activity for an authorized committee means total receipts and disbursements reported in the prior two-year election cycle divided by the number of reports filed covering the activity in the prior two-year election cycle.

(B)(i) For an unauthorized committee, estimated level of activity is calculated as follows: [(Total receipts and disbursements reported in the current two-year cycle) - (Transfers received from non-Federal account(s) as reported on either Line 18(a) of FEC Form 3X or Line 18 of FEC Form 3X if before March 1, 2003 + Disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as Reported on Line 21(a)(ii) of FEC Form 3X)] ÷ Number of reports filed to date covering the activity in the current two-year election cycle.

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(2) If the unauthorized committee has not filed a report covering activity in the current two-year election cycle, the estimated level of activity is calculated as follows: [(Total receipts and disbursements reported in the prior two-year election cycle) - (Transfers received from non-Federal account(s) as reported on either Line 18(a) of FEC Form 3X or Line 18 of FEC Form 3X if before March 1, 2003 + Disbursements

for the non-Federal Share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X)] + Number of reports filed covering the activity in the prior two-year election cycle.

(iii) The civil money penalty shall be calculated in accordance with the following schedule:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-4,999.99*	$[\$25 + (\$5 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$250 \times [1 + (.25 \times \text{Number of previous violations})]$
\$5,000-9,999.99	$[\$50 + (\$5 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$300 \times [1 + (.25 \times \text{Number of previous violations})]$
\$10,000-24,999.99	$[\$100 + (\$5 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$25,000-49,999.99	$[\$200 + (\$20 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$900 \times [1 + (.25 \times \text{Number of previous violations})]$
\$50,000-74,999.99	$[\$300 + (\$75 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$2700 \times [1 + (.25 \times \text{Number of previous violations})]$
\$75,000-99,999.99	$[\$400 + (\$100 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$3500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$100,000-149,999.99	$[\$600 + (\$125 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$4500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$150,000-199,999.99	$[\$800 + (\$150 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$5500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$200,000-249,999.99	$[\$1,000 + (\$175 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$6500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$250,000-349,999.99	$[\$1,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$8000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$350,000-449,999.99	$[\$2,000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$9000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$450,000-549,999.99	$[\$2,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$9500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$550,000-649,999.99	$[\$3,000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$650,000-749,999.99	$[\$3,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$750,000-849,999.99	$[\$4,000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$850,000-949,999.99	$[\$4,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$950,000 or over	$[\$5,000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$12,000 \times [1 + (.25 \times \text{Number of previous violations})]$

\*The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(b) The civil money penalty for election sensitive reports that are filed late or not filed shall be calculated as follows:

(i) For reports due before April 16, 2003:

(i) Level of activity has the same meaning as paragraph (a)(1)(i) of this section.

(ii) Estimated level of activity has the same meaning as paragraph (a)(1)(ii) of this section.

(iii) The civil money penalty shall be calculated in accordance with the following schedule:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-24,999.99*	$[\$150 + (\$25 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$1000 \times [1 + (.25 \times \text{Number of previous violations})]$

## Federal Election Commission

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If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$25,000-49,999.99 .....	$[\$300 + (\$50 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$2000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$50,000-74,999.99 .....	$[\$450 + (\$75 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$3000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$75,000-99,999.99 .....	$[\$600 + (\$100 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$4000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$100,000-149,999.99 .....	$[\$900 + (\$125 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$5000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$150,000-199,999.99 .....	$[\$1200 + (\$150 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$6000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$200,000-249,999.99 .....	$[\$1500 + (\$175 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$7500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$250,000-299,999.99 .....	$[\$2250 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$9000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$350,000-449,999.99 .....	$[\$3000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$450,000-549,999.99 .....	$[\$3750 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$550,000-649,999.99 .....	$[\$4500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$12,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$650,000-749,999.99 .....	$[\$5250 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$13,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$750,000-849,999.99 .....	$[\$6000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$14,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$850,000-949,999.99 .....	$[\$6750 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$15,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$950,000 or over .....	$[\$7500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$16,000 \times [1 + (.25 \times \text{Number of previous violations})]$

\* The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(2) For reports due on or after April 16, 2003:

(i) Level of activity has the same meaning as paragraph (a)(2)(i) of this section.

(ii) *Estimated level of activity* has the same meaning as paragraph (a)(2)(ii) of this section.

(iii) The civil money penalty shall be calculated in accordance with the following schedule:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-\$4,999.99 .....	$[\$50 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$5,000-\$9,999.99 .....	$[\$100 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$600 \times [1 + (.25 \times \text{Number of previous violations})]$
\$10,000-24,999.99 .....	$[\$150 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$800 \times [1 + (.25 \times \text{Number of previous violations})]$
\$25,000-49,999.99 .....	$[\$300 + (\$25 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$1,400 \times [1 + (.25 \times \text{Number of previous violations})]$
\$50,000-74,999.99 .....	$[\$450 + (\$75 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$3,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$75,000-99,999.99 .....	$[\$600 + (\$100 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$4,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$100,000-149,999.99 .....	$[\$900 + (\$125 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$5,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$150,000-199,999.99 .....	$[\$1,200 + (\$150 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$6,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$200,000-249,999.99 .....	$[\$1,500 + (\$175 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$7,500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$250,000-299,999.99 .....	$[\$2,250 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$9,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$350,000-449,999.99 .....	$[\$3,000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$450,000-549,999.99 .....	$[\$3,750 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$550,000-649,999.99 .....	$[\$4,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$12,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$650,000-749,999.99 .....	$[\$5,250 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$13,000 \times [1 + (.25 \times \text{Number of previous violations})]$



If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$750,000–\$49,999.99 .....	$[\$6,000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$ .	$\$14,000 \times [1 + (.25 \times \text{Number of previous violations})]$ .
\$50,000–\$499,999.99 .....	$[\$8,750 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$ .	$\$15,000 \times [1 + (.25 \times \text{Number of previous violations})]$ .
\$500,000 or over .....	$[\$17,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$ .	$\$16,000 \times [1 + (.25 \times \text{Number of previous violations})]$ .

\* The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(c) If the respondent fails to file a required report and the Commission cannot calculate the level of activity under paragraph (d) of this section, then the civil money penalty shall be \$5,500.

(d) *Definitions.* For this section only, the following definitions will apply:

*Election Sensitive Reports* means third quarter reports due on October 15th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); monthly reports due October 20th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); and pre-election reports for primary, general, and special elections under 11 CFR 104.5.

*Number of previous violations* means all prior final civil money penalties assessed under this subpart during the current two-year election cycle and the prior two-year election cycle.

(e) For purposes of the schedules of penalties in paragraphs (a) and (b) of this section.

(1) Reports that are not election sensitive reports are considered to be filed late if they are filed after their due dates but within thirty (30) days of their due dates. These reports are considered to be not filed if they are filed after thirty (30) days of their due dates or not filed at all.

(2) Election sensitive reports are considered to be filed late if they are filed after their due dates but prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports, or prior to four (4) days before the general election for all other election sensitive reports. These reports are considered to

be not filed if they are not filed prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports or prior to four (4) days before the general election for all other election sensitive reports.

[65 FR 31794, May 19, 2000, as amended at 68 FR 12577, Mar. 17, 2003; 70 FR 31636, June 15, 2005]

#### § 111.44 What is the schedule of penalties for 48-hour notices that are not filed or are filed late?

(a) If the respondent fails to file timely a notice regarding contribution(s) received after the 20th day but more than 48 hours before the election as required under 2 U.S.C. 434(a)(6), the civil money penalty will be calculated as follows:

(1) Civil money penalty =  $\$110 + (.10 \times \text{amount of the contribution(s) not timely reported})$ .

(2) The civil money penalty calculated in paragraph (a)(1) of this section shall be increased by twenty-five percent (25%) for each prior violation.

(b) For purposes of this section, prior violation means a civil money penalty that has been assessed against the respondent under this subpart in the current two-year election cycle or the prior two-year election cycle.

[65 FR 31794, May 19, 2000, as amended at 70 FR 31636, June 15, 2005]

#### § 111.45 What actions will be taken to collect unpaid civil money penalties?

The Commission may take any and all appropriate collection actions authorized and required by the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. 3701 et. seq.). The U.S.

## Federal Election Commission

## § 112.2

Department of the Treasury regulations at 31 CFR 285.2, 285.4, and 285.7 and the Federal Claims Collection Standards issued jointly by the Department of Justice and the U.S. Department of the Treasury at 31 CFR parts 900 through 904 also apply.

[65 FR 31794, May 19, 2000, as amended at 68 FR 12580, Mar. 17, 2003; 68 FR 16715, Apr. 7, 2003]

### § 111.46 How will the respondent be notified of actions taken by the Commission and the reviewing officer?

If a statement designating counsel has been filed in accordance with 11 CFR 111.23, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to designated counsel. If a statement designating counsel has not been filed, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to respondent political committee and its treasurer at the political committee's address as listed in the most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2.

[68 FR 12580, Mar. 17, 2003]

## PART 112—ADVISORY OPINIONS (2 U.S.C. 437f)

### Sec.

- 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).
- 112.2 Public availability of requests (2 U.S.C. 437f(d)).
- 112.3 Written comments on requests (2 U.S.C. 437f(d)).
- 112.4 Issuance of advisory opinions (2 U.S.C. 437f (a) and (b)).
- 112.5 Reliance on advisory opinions (2 U.S.C. 437f(c)).
- 112.6 Reconsideration of advisory opinions.

AUTHORITY: 2 U.S.C. 437f, 438(a)(8).

SOURCE: 45 FR 15123, Mar. 7, 1980, unless otherwise noted.

### § 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).

(a) Any person may request in writing an advisory opinion concerning the application of the Act, chapters 95 or 96 of the Internal Revenue Code of 1954, or

any regulation prescribed by the Commission. An authorized agent of the requesting person may submit the advisory opinion request, but the agent shall disclose the identity of his or her principal.

(b) The written advisory opinion request shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.

(c) Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.

(d) The Office of General Counsel shall review all requests for advisory opinions submitted under 11 CFR 112.1. If the Office of General Counsel determines that a request for an advisory opinion is incomplete or otherwise not qualified under 11 CFR 112.1, it shall, within 10 calendar days of receipt of such request, notify the requesting person and specify the deficiencies in the request.

(e) Advisory opinion requests should be sent to the Federal Election Commission, Office of General Counsel, 999 E Street, NW., Washington, DC 20463.

(f) Upon receipt by the Commission, each request which qualifies as an advisory opinion request (AOR) under 11 CFR 112.1 shall be assigned an AOR number for reference purposes.

[45 FR 15123, Mar. 7, 1980, as amended at 50 FR 50778, Dec. 12, 1985]

### § 112.2 Public availability of requests (2 U.S.C. 437f(d)).

(a) Advisory opinion requests which qualify under 11 CFR 112.1 shall be made public at the Commission promptly upon their receipt.

(b) A copy of the original request and any supplements thereto, shall be available for public inspection and purchase at the Public Disclosure Division of the Commission.



FEC OFFICE OF  
ADMIN REVIEW

2010 MAY 24 P 2:49

**Steering Committee**

**Co-Chairs:**

Claudia Elquist, AZ  
Sanda Everett, CA  
Mike Feinstein, CA  
Farheen Hakeem, MN  
Jason Hübner, NY  
David Grund, LC  
Craig Thorsen, CA

**Secretary**

Holly Hart, IA

**Treasurer**

Jody Grace, WA

May 20, 2010

Federal Election Commission

Attn: Ian Wandner

Office of Administrative Review

999 E Street, NW

Washington, DC 20463

Re: Green Party of the United States ID# C00370221, AF# 2125

Dear Commission,

We are in receipt of your letter dated April 16, 2010, in which you propose a penalty for late filing of our February Monthly Report of Receipts and Disbursements covering the month of January, 2010. We protest the RTB finding and the penalty assessment and calculation as onerous and excessive in the circumstances, and hereby request a reconsideration and substantial reduction of the fine.

Our office worked diligently to complete the report by February 20, 2010, and thought it had been filed properly and on time. The report, it turns out, had not been 'validated', a merely technical step in the transmission process. We did all the work before the deadline; we did act in good faith to attempt to file on time. You notified our former accountant the next day and informed us that the report had not, in fact, been filed. That former contractor passed that information on to us the next day.

Our new office manager took time to review his work very carefully and make sure that he had done everything correctly. The FEC agents with whom he spoke several times made no mention of filing promptly to avoid the severity of this particular penalty. If he had been told that there was a substantial daily fee, and that once the report was filed corrections could be made without penalty, he could have done it in a day.

Additionally, our receipts and disbursements in January were over twice our usual monthly level of activity. During January we received one large contribution that exceeded our usual monthly total. Those funds were used to repay personal loans made by Greens to the Party over the last year. If this had been any other month, the level of activity would have been half as much or even less, and would have resulted in the calculation of a much smaller penalty under your system.

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We have taken steps to make sure this does not happen again. We have filed several timely Monthly Reports of Receipts and Disbursements since February. We presume the purpose of the rules and regulations of the FEC are to encourage compliance with those rules, not to raise funds for the FEC.

We are now in compliance. We have not been late since this initial occurrence under the current person preparing the reports. This was a small simple error by a first time user of your software. It happened in an unusual month that inflated our normal level of activity by a factor of a least two.

We feel this is an unduly punitive fine under the circumstances, and hereby request that you use your discretion to rescind or substantially reduce the fine. Please reconsider and allow us to continue filing in a timely and proper manner. If you would like to discuss this matter with me, please feel free to contact me at 206-718-1529.

Respectfully submitted,



Jody Grage, Treasurer  
Green Party of the United States

11092651976



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

May 25, 2010

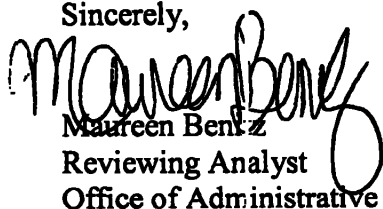
Jody Grage, in her official capacity as Treasurer  
Green Party of the United States  
1623 Connecticut Ave NW  
4<sup>th</sup> Floor  
Washington, DC 20009

C00370221  
AF# 2125

Dear Ms. Grage:

On May 24, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

  
Maureen Benz  
Reviewing Analyst  
Office of Administrative Review

11092651977

**Date: May 25, 2010**

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2125**

**Committee Name: Green Party of the United States**

**Committee ID#: C00370221**

**Committee Address (if different than in RTB letter): N/A**

**Treasurer Name (if different than in RTB finding): N/A**

**Attachments:**

**Copy of RTB Circulation Report, dated April 14, 2010 and RTB Certification,  
dated April 16, 2010: Y**

**Attachment #: 1**

**Signature Proof of Delivery: Y**

**Attachment #: 2**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2010 Monthly Reporting Schedule Prior Notice, dated January 27, 2010.**

**-RTB Letter, dated April 16, 2010.**

**Attachment #: 4**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

11092651978

## DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Green Party of the United States:

A) Prior Notice, dated January 27, 2010, referencing the 2010 February Monthly Report (sent via electronic mail to: dougmalkan@yahoo.com);

B) Reason-to-Believe Letter, dated April 16, 2010, referencing the 2010 February Monthly Report.

3. I hereby certify that I have searched the Commission's public records and find that Green Party of the United States filed the 2010 February Monthly Report with the Commission on March 5, 2010.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided.

This declaration was executed at Washington, D.C. on the 25<sup>th</sup> day of May, 2010.



Nataliya Ioffe  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



# MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

January 27, 2010

## MONTHLY REPORTING SCHEDULE FOR 2010

### REPORTING DATES

REPORT	CLOSE OF BOOKS <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
February	01/31/10	02/20/10	02/20/10 <sup>2</sup>
March	02/28/10	03/20/10	03/20/10 <sup>2</sup>
April	03/31/10	04/20/10	04/20/10
May	04/30/10	05/20/10	05/20/10
June	05/31/10	06/20/10	06/20/10 <sup>2</sup>
July	06/30/10	07/20/10	07/20/10
August	07/31/10	08/20/10	08/20/10
September	08/31/10	09/20/10	09/20/10
October	09/30/10	10/20/10	10/20/10
Pre-General	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

[Click here for Supplemental Filing Information](#)

<sup>1</sup> A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup> Notice that this filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of Senate's) close of business on the last business day before the deadline.

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## 2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2010. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

#### Paper Filing -- Meeting the Filing Deadline

Paper report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

### COMPLIANCE

#### Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

#### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF]

### PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: [2010 Congressional Pre-Primary Reporting Dates Page](#)
- The Record: [January 2010 issue](#) [PDF]
- Campaign Guide: [Nonconnected, pp. 49-51](#) [PDF]; [SSF, pp. 46-48](#) [PDF]; [Party, pp. 67-68](#) [PDF].

### 2010 REPORTING SCHEDULE

- Web Page: [2010 Reporting Dates Page](#)
- The Record: [January 2010 issue](#) [PDF]
- Campaign Guide: [Nonconnected, pp. 49-51](#) [PDF]; [SSF, pp. 46-48](#) [PDF]; [Party, pp. 67-68](#) [PDF].

### DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of the lobbyist bundling disclosure threshold during the covered period ([see page 1 of this notice](#)). See 11 CFR 104.22.

NOTE: The lobbyist bundling disclosure threshold for calendar year 2009 was \$16,000. This threshold amount may increase in 2010 based upon the annual cost of living adjustment (COLA). As soon as the adjusted threshold amount is available, the Commission will publish it in the Federal Register and post it on its website. See 11 CFR 110.17(e).

- The Record: [March 2009 issue](#) [PDF]
- Federal Register: [Notice 2009-03 \(February 17, 2009\)](#) [PDF]
- Campaign Guide: [Party, pp. 143-149](#) [PDF]

### CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: [Filing Frequency by Type of Committee](#)
- Campaign Guide: [Nonconnected, n. 51](#) [PDF]; [SSF, p. 49](#) [PDF]; [Party, p. 67](#) [PDF].

### 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: [48- and 24-hour reporting periods for independent expenditures for 2010 elections](#)
- Campaign Guide: [Nonconnected, pp. 72-74](#) [PDF]; [SSF, pp. 65-67](#) [PDF]; [Party, pp. 87-89](#) [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

July 6, 2010

Jody Grage, in her official as Treasurer  
Green Party of the United States  
1623 Connecticut Ave. NW  
4<sup>th</sup> Floor  
Washington, DC 20009

C00370221  
AF# 2125

Dear Ms. Grage:

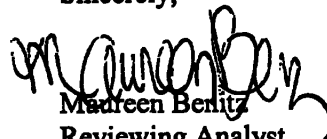
On April 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTE") that the Green Party of the United States and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 February Monthly Report. The Commission also made a preliminary determination that the civil money penalty was \$2,856 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

  
Madreen Benitz  
Reviewing Analyst  
Office of Administrative Review

Attachment

11092651983



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

June 30, 2010

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna Brown *DB*  
Acting Reviewing Officer  
Office of Administrative Review

By: Maureen Benitz *MB*  
Reviewing Analyst

Subject: Reviewing Officer Recommendation in AF# 2125-Green Party of  
the United States and Jody Grage, in her official capacity as  
Treasurer (C00370221)

2010 JUL - 1 A 10:22

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092651984



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 30, 2010

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

**AF# 2125 – Green Party of the United States and Jody Grage, in her official capacity as  
Treasurer (C00370221)**

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$2,856 civil money penalty.

**Reason-to-Believe Background**

On April 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the February Monthly Report and made a preliminary determination that the civil money penalty was \$2,856, based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on April 16, 2010 of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a report for the period ending January 31 no later than February 20. 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(i). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge and Analysis**

On May 24, 2010, the Commission received the written response ("challenge") from the Treasurer who is challenging both the RTB finding and penalty. The respondents ask for a reduction in the onerous fine, as they completed the report by the due date and thought they filed on time, later learning that the report had not been validated during the transmission process. The respondents' former accountant and contractor was notified that the report was not filed by the due date and informed the committee, whose new office manager then carefully reviewed the report. They would have completed this review in a day had they been made aware of potential penalties. Additionally, the respondents note that the level of activity on their February Monthly report was twice that of a usual month due to one large contribution, resulting in a higher fine than a usual month's activity would calculate.

11092651985

The respondents assert that it was a failure to validate their report that prevented them from filing timely. RAD and Electronic Filing Office ("EFO") telephone records indicate that they did not seek assistance with validating their report in any of the three conversations with Commission staff regarding the filing of their February Monthly Report.

On February 18, Brian Bittner called RAD identifying himself as the new Assistant Treasurer. He indicated that he had not filed reports before and was seeking assistance with the FECFile software. The RAD Analyst reminded Mr. Bittner to update the committee's Statement of Organization to disclose himself as Assistant Treasurer and transferred him to the EFO for further assistance with what appeared to be a corrupted data set. EFO records show that on February 18, EFO staff assisted Mr. Bittner with an error message he received when attempting to open the data set that was given to him by his predecessor. After emailing his data set to the EFO, EFO staff discovered an unexplainable corrupted transaction and that the data set contained only the 2001 Year-End Report. EFO staff suggested he obtain the pristine data set from his predecessor, and Mr. Bittner stated he would call back if he needed additional help. EFO records indicate that he did not call back for assistance with this problem.

The following day, February 19, Mr. Bittner called the RAD Analyst seeking assistance with how to proceed with filing the report now that he was able to open his datafile, create a new report, and had downloaded the FECFile User Manual. RAD and EFO telephone records indicate that the respondents did not call the Commission again regarding the filing of the February Monthly Report.

The respondents state that the work for the report was completed and they acted in good faith to file by the due date. EFO records show that on February 21, 2010 (the day after the filing deadline), the EFO sent the 12-hour non-filer email notification to an address the respondents previously provided, dougmalkan@yahoo.com, alerting them that they did not file the 2010 February Monthly Report. Their former accountant informed them of the email notification on February 22; however, after learning the report was not filed on the February 20 due date, the new office manager reviewed his work to ensure its accuracy before the report was ultimately filed on March 5, 2010. The respondents state that the FEC agents, with whom the new office manager spoke, failed to tell him about the possibility of such a severe penalty. Had he known this, he would have reviewed the report in a day.

The respondents spoke with the RAD Analyst on February 18 and 19, prior to the February 20 due date. Given that the report was not yet due, there would not have been reason to advise them of a possible fine. Additionally, the Prior Notice dated January 27, 2010, referencing the February Monthly Report, was sent via email to dougmalkan@yahoo.com, the email address disclosed on the committee's Statement of Organization. Page two of the Prior Notice, 2010 Supplemental Filing Information, states that under the Administrative Fine Program the failure to file reports on time may subject committees to civil money penalties of up to \$17,600 or more.

The respondents state that they received one large contribution in January, used to repay loans, which exceeded their usual monthly level of activity and increased the penalty assessed. For purposes of Administrative Fine penalty calculations, the level of activity for an unauthorized committee is defined as total receipts and disbursements for the period covered by the late report minus the total transfers received from non-Federal account(s) reported on Line 18(a) and disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii). 11 C.F.R § 111.43(d)(3)(ii).

The committee's February Monthly report does not disclose any allocable Federal/Non-Federal activity; therefore, all of its receipts (\$52,398), including contributions made to repay loans, and disbursements (\$54,628) are included when determining the level of activity. While this level of activity may have exceeded activity disclosed on their other reports, it is the actual activity that occurred in January, and therefore used to calculate the fine.

The civil money penalty is based on four criteria – if the report is election sensitive or not, the level of activity, the number of days late and previous civil money penalties assessed. 11 C.F.R § 111.43. In this case, the report is not election sensitive, the level of activity is \$107,026, it was filed 13 days late, and there is one previous penalty. Using the schedule of penalties at 11 C.F.R § 111.43(a) for a non-election sensitive report filed 13 days late, with one prior violation, and the level of activity bracket of \$100,000 - \$149,999.99, the civil money penalty is  $[\$660 + (125 \times 13)] \times [1 + (.25 \times 1)]$  or \$2,856. The civil money penalty is correctly calculated as \$2,856.

The respondents also believe that the civil money penalty raises funds for the Commission. Civil money penalties assessed by the Commission are deposited into the United States Treasury and are not used by the Commission for its budget. 31 U.S.C. § 3302(b).

The administrative fine regulations specifically state that failure to use filing software properly, inexperience of staff, and delays caused by committee vendors or contractors are not reasonably unforeseen circumstances. 11 C.F.R § 111.35(d). Their challenge fails to address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,856.

### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2125 involving Green Party of the United States and Jody Grage, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2125 that the Green Party of the United States and Jody Grage, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,856; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

### **Attachments**

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

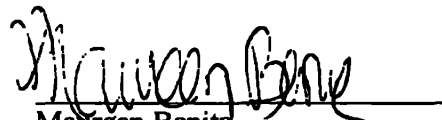
Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR



**DECLARATION OF MAUREEN BENITZ**

- 1) I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The 2010 February Monthly Report is due February 20, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on February 20 to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of Page 1 of the Summary Page and Pages 3 and 4 of the Detailed Summary Page for the 2010 February Monthly Report electronically filed by the Green Party of the United States and Jody T Grage, as Treasurer. According to Commission records, the report covers the period from January 1 through January 31, 2010 and was received on March 5, 2010.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 30<sup>th</sup> of June, 2010.

  
Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review  
Federal Election Commission

11092651989

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Green Party of the United States

ADDRESS (number and street)

1623 Connecticut Ave., NW

4th Floor

Check if different  
than previously  
reported. (ACC)

Washington

DC

20009

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00370221

3. IS THIS
- 
- REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

4. TYPE OF REPORT
- 
- (Choose One)

(a) Quarterly Reports:

April 15  
Quarterly Report(Q1)July 15  
Quarterly Report(Q2)October 15  
Quarterly Report(Q3)January 31  
Quarterly Report(YE)July 31 Mid-Year  
Report(Non-election  
Year Only) (MY)Termination Report  
(TER)

- (b) Monthly
- 
- Report
- 
- Due On:

X Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

- (c) 12-Day
- 
- PRE-Election
- 
- Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the  
State of

- (d) 30-Day
- 
- Post -Election
- 
- Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period

01

01

2010

through

01

31

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Jody T GrageSignature of Treasurer Electronically Filed by Jody T GrageDate 03 05 2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3X**  
(Rev. 12/2004)

# **DETAILED SUMMARY PAGE OF RECEIPTS**

FEC Form 3X (Rev. 06/2004)

3 / 64

Write or Type Committee Name

Green Party of the United States

Report Covering the Period: From: <sup>M</sup>0 <sup>M</sup>1 <sup>D</sup>0 <sup>D</sup>1 <sup>Y</sup>2 <sup>Y</sup>0 <sup>W</sup>1 <sup>Y</sup>0 To: <sup>M</sup>0 <sup>M</sup>1 <sup>D</sup>3 <sup>D</sup>1 <sup>Y</sup>2 <sup>Y</sup>0 <sup>W</sup>1 <sup>Y</sup>0

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A) .....	31964.00	31964.00
(ii) Unitemized .....	10434.64	10434.64
(iii) TOTAL (add Lines 11(a)(i) and (ii) ..... ➤	42398.64	42398.64
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b) and (c)) (Carry Totals to Line 33, page 5) ..... ➤	42398.64	42398.64
12. Transfers From Affiliated/Other Party Committees .....	0.00	0.00
13. All Loans Received .....	10000.00	10000.00
14. Loan Repayments Received .....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5) .....	0.00	0.00
16. Refunds of Contributions Made to Federal candidates and Other Political Committees .....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.) .....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3) .....	0.00	0.00
(b) Levin Funds (from Schedule H5) .....	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b)).	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)) .....	52398.64	52398.64
20. Total Federal Receipts (subtract Line 18(c) from Line 19) .....	52398.64	52398.64

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# **DETAILED SUMMARY PAGE** of Disbursements

FEC Form 3X (Rev. 02/2003)

4 / 64

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Shared Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share.....	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures.....	54628.40	54628.40
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii) and (b)).....	54628.40	54628.40
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	0.00
24. Independent Expenditure (use Schedule E).....	0.00	0.00
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)) .....	0.00	0.00
29. Other Disbursements.....	0.00	0.00
30. Federal Election Activity (2 U.S.C 431(20))		
(a) Shared Federal Election Activity (from Schedule H6)		
(i) Federal Share .....	0.00	0.00
(ii) "Levin" Share .....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds .....	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 28, 27, 28(d), 29 and 30(c))..	54628.40	54628.40
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	54628.40	54628.40



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2010 JUL 21 A 10:28

July 21, 2010

**SENSITIVE**

MEMORANDUM

To: The Commission

Through: Alec Palmer  
Acting Staff Director *AP*

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Acting Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2125 – Green Party of the United States and Jody Grage, in her official capacity as Treasurer (C00370221)

On April 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 February Monthly Report and also made a preliminary determination that the civil money penalty was \$2,856 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 24, 2010, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated June 30, 2010 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$2,856 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

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**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2125 involving the Green Party of the United States and Jody Grage, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2125 that the Green Party of the United States and Jody Grage, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,856; and
- (3) Send the appropriate letter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation - ) AF 2125  
Green Party of the United States and )  
Jody Grage, in her official capacity as )  
Treasurer (C00370221) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 29, 2010, the Commission decided by a vote of 6-0 to take the following actions in AF 2125:

1. Adopt the Reviewing Officer recommendation for AF# 2125 involving the Green Party of the United States and Jody Grage, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2125 that the Green Party of the United States and Jody Grage, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,856.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

July 30, 2010  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 2, 2010

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jody Grage, in her official capacity as Treasurer  
Green Party of the United States  
1623 Connecticut Ave., NW  
4<sup>th</sup> Floor  
Washington, DC 20009

C00370221  
AF# 2125

Dear Ms. Grage:

On April 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Green Party of the United States and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 February Monthly Report. By letter dated April 16, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,856 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 24, 2010, the Office of Administrative Review received the written response from you challenging the RTB finding and civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Green Party of the United States and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$2,856 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on July 6, 2010.

On July 29, 2010, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Green Party of the United States and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$2,856. A copy of the final determination recommendation is attached.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

**If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

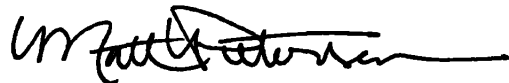
**If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Matthew S. Petersen  
Chairman

Attachment

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## ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$2,856 for the 2010 February Monthly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

### PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

### PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

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FOR: Green Party of the United States

FEC ID#: C00370221

AF#: 2125

PAYMENT AMOUNT DUE: \$2,856

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Green Party of the United States

FEC ID#: C00370221

AF#: 2125

PAYMENT AMOUNT DUE: \$2,856

1428.00

3

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usbancorp.  
For the Federal Government



THE GREEN PARTY OF THE UNITED STATES 1693 1700 CONNECTICUT AVE., NW, SUITE 404 WASHINGTON, D.C. 20009 37		SUNTRUST 65-270/550	10740
PAY TO THE ORDER OF	Federal Election Commission	11/22/10	\$ 1428 <sup>00</sup>
FOURTEEN hundred twenty eight and <sup>no</sup> / <sub>100</sub>		DOLLARS	
Federal Election Commission PO Box 979058 St. Louis MO 63197-9000		JL Jurne AUTHORIZED SIGNATURE	
MEMO	AF# 2125		

SEQ# 001 \$ 0000142800 BA# 1 01-04-11 20 4



THE GREEN PARTY OF THE UNITED STATES 1700 CONNECTICUT AVE., NW, SUITE 404 WASHINGTON, D.C. 20009		SUNTRUST 65-270/550	10754
PAY TO THE ORDER OF	Federal Election Commission	12/30/10	\$ 1428 <sup>00</sup>
FOURTEEN hundred twenty eight and <sup>no</sup> / <sub>100</sub>		DOLLARS	
Federal Election Commission PO Box 979058 St. Louis MO 63197-9000		JL Jurne AUTHORIZED SIGNATURE	
MEMO			

usbancorp.  
For the Federal Government



FEDERAL ELECTION COMMISSION  
Washington DC 20463

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THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2125

DATE SCANNED 2-16-11

SCANNER NO. 2

SCAN OPERATOR CMP